

FILED
2/4/22 2:38 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DELMAS F. FRESH &
APRIL D. FRESH**

Debtor(s).

)
) **Case No. 18-21199-JAD**
)
) **Chapter 13**
)
X **Doc. # 88**

STIPULATED ORDER MODIFYING PLAN

WHEREAS, this matter is being presented to the Court regarding

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:

- ☒ a motion to dismiss case or certificate of default requesting dismissal
- ☐ a plan modification sought by: _____
- ☐ a motion to lift stay
as to creditor _____
- ☐ Other: _____

WHEREAS, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

IT IS HEREBY ORDERED that the

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☐ Chapter 13 Plan dated _____
- ☒ Amended Chapter 13 Plan dated September 23, 2020

is modified as follows:

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☐ Debtor(s) Plan payments shall be changed from \$ ____ to \$ ____ per month, effective ____; and/or the Plan term shall be changed from ____ months to ____ months.

- ☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.
- ☐ Debtor(s) shall file and serve _____ on or before _____.
- ☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.
- ☐ If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as _____ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.
- ☒ Other:
- Secured claim of Ally Bank CI #1 is to receive no further payments based on the Trustee's receipt of information that the vehicle securing the claim had been totaled. Claim put on reserve in Oct 2020 and there has been no further information received indicating otherwise. Funds on reserve for this claim shall remain on reserve for the next 60 days. If Debtor counsel determines claim should be paid, action will need to be taken to release the funds on reserve to Creditor within that 60-day period. After 60 days the claim shall be closed off and funds on reserve released to general plan funding.
 - Trustee's Certificate of Default (at Doc 78) is treated as resolved by this Order.

IT IS FURTHER ORDERED that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

IT IS FURTHER ORDERED that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect.

[Remainder of Page Intentionally Left Blank]

SO ORDERED, this 4th day of February, 2022


United States Bankruptcy Judge

Jeffery A. Deller

Stipulated by:

/s/ Daniel R. White
Counsel to Debtor

Stipulated by:

/s/ Owen W. Katz
Counsel to Chapter 13 Trustee

Stipulated by:

Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk

In re:
Delmas F. Fresh
April D. Fresh
Debtors

Case No. 18-21199-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: auto

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Date Rcvd: Feb 04, 2022

Form ID: pdf900

Total Noticed: 66

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 06, 2022:

Recip ID	Recipient Name and Address
db	#+ Delmas F. Fresh, 267 Hardin Hollow Road, Smithfield, PA 15478-1527
jdb	#+ April D. Fresh, 267 Hardin Hollow Road, Smithfield, PA 15478-1527
14801063	+ AES/Suntrust, P.O. Box 61047, Harrisburg, PA 17106-1047
14801065	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, P.O. Box 982235, El Paso, TX 79998-2235
14859764	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
14801074	++ CREDIT PROTECTION ASSOCIATION LP, PARKWAY CENTER V, 2500 DALLAS PARKWAY SUTIE 500, PLANO TX 75093-4805 address filed with court:, Credit Protection Association, 13355 Noel Road--Suite 2100, Dallas, TX 75240
14801069	Central Cardiovascular Associates, 1350 Locust Street--Suite 100, Pittsburgh, PA 15219-4738
14801070	+ Clear Mountain Bank, P.O. Box 205, Bruceton Mills, WV 26525-0205
14801075	+ Debt Collection Partners, 11 Commerce Driver--Suite 208, Westover, WV 26501-3858
14801076	+ Fayette County Tax Claim Bureau, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401-3514
14801077	+ Fayette County Tax Claim Bureau, c/o Sheryl R. Heid, Esq., 4 North Beeson Boulevard, Uniontown, PA 15401-3438
14801078	+ Fidelity Properties, P.O. Box 2055, Alliance, OH 44601-0055
14801080	+ Gunter-Hayes & Associates, 3200 West Tyler Street--Suite D, P.O. Box 10870, Conway, AR 72034-0015
14801084	+ Magee Womens Hospital, Attn: Billing Department, 2 Hot Metal Street, Dist. Room 386, Pittsburgh, PA 15203-2348
14877076	+ Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
14801086	Mon Health Medical Center Clinics, 600 Suncrest Town Centre--Suite 310, Morgantown, WV 26505-1873
14818712	+ PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
14801093	PNC Cardmember Services, P.O. Box 3429, Pittsburgh, PA 15230-3429
14801091	Penn Credit, 916 South 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
14828458	+ Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
14801100	+ Transworld Systems, Inc., 300 Cedar Ridge Drive--Suite 307, Pittsburgh, PA 15205-1132
14833633	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
14849370	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
14801101	+ University Health Associates, P.O. Box 776, Morgantown, WV 26507-0776

TOTAL: 24

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Feb 04 2022 23:14:03	Ally Bank, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 04 2022 23:14:04	PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
14803782	Email/Text: ally@ebn.phinsolutions.com	Feb 04 2022 23:10:00	Ally Bank, PO Box 130424, Roseville MN 55113-0004

District/off: 0315-2

User: auto

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14801064	Email/Text: ally@ebn.phinsolutions.com	Feb 04 2022 23:10:00	Ally Financial, P.O. Box 130424, Roseville, MN 55113-0004
14801066	Email/Text: BarclaysBankDelaware@tsico.com	Feb 04 2022 23:10:00	Barclays Bank, P.O. Box 8802, Wilmington, DE 19899-8802
14801067	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 04 2022 23:14:04	Best Buy Visa, P.O. Box 790441, Saint Louis, MO 63179-0441
14801071	+ Email/Text: ebnnotifications@creditacceptance.com	Feb 04 2022 23:10:00	Credit Acceptance Corp., Silver Triangle Building, 25505 West Twelve Mile Road, Southfield, MI 48034-8316
14801072	+ Email/Text: ccusa@ccuhome.com	Feb 04 2022 23:10:00	Credit Collections, USA, 16 Distributor Drive--Suite 1, Morgantown, WV 26501-0121
14801073	Email/PDF: creditonebknottifications@resurgent.com	Feb 04 2022 23:14:01	Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
14976008	Email/Text: ECMCBKNotices@ecmc.org	Feb 04 2022 23:10:00	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
14801079	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Feb 04 2022 23:10:00	Genesis Bankcard/Celtic Bank, 268 South State Street--Suite 300, Salt Lake City, UT 84111-5202
14801081	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 04 2022 23:25:28	Home Depot, P.O. Box 790328, Saint Louis, MO 63179-0328
14801082	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 04 2022 23:10:00	Hot Topic/Comenity Bank, P.O. Box 659450, San Antonio, TX 78265-9450
14801083	Email/Text: sbse.cio.bnc.mail@irs.gov	Feb 04 2022 23:10:00	Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
14859841	Email/PDF: resurgentbknottifications@resurgent.com	Feb 04 2022 23:14:07	LVNV Funding, LLC its successors and assigns as, assignee of CVF Consumer Acquisition, Company, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14859845	Email/PDF: resurgentbknottifications@resurgent.com	Feb 04 2022 23:14:04	LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNBK, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14859803	Email/PDF: resurgentbknottifications@resurgent.com	Feb 04 2022 23:14:07	LVNV Funding, LLC its successors and assigns as, assignee of North Star Capital, Acquisition LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14801087	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 04 2022 23:10:00	New York & Company/Comenity Bank, Attn: Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
14825001	Email/PDF: cbp@onemainfinancial.com	Feb 04 2022 23:14:03	ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
14801088	Email/PDF: cbp@onemainfinancial.com	Feb 04 2022 23:14:03	One Main Financial, Fayette Crossing Shopping Center, 219 Walmart Drive--Suite C, Uniontown, PA 15401-8423
14801089	Email/Text: RVSVCBICNOTICE1@state.pa.us	Feb 04 2022 23:10:00	PA Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
14860264	Email/Text: Bankruptcy.Notices@pnc.com	Feb 04 2022 23:10:00	PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101
14801094	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 04 2022 23:14:01	Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502
14927317	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 04 2022 23:14:04	Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
14849454	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 04 2022 23:14:06	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14802952	+ Email/PDF: rmscedi@recoverycorp.com		

District/off: 0315-2

User: auto

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		Feb 04 2022 23:14:04	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14801090	Email/PDF: gecsed@recoverycorp.com	Feb 04 2022 23:14:03	Paypal Buyer Credit/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
14809572	Email/Text: RVSVCBICNOTICE1@state.pa.us	Feb 04 2022 23:10:00	Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg PA 17128-0946
14801092	+ Email/Text: bankruptcy@pinnaclerecovery.com	Feb 04 2022 23:10:00	Pinnacle Recovery Inc., P.O. Box 130848, Carlsbad, CA 92013-0848
14853527	Email/Text: bnc-quantum@quantum3group.com	Feb 04 2022 23:10:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14855822	Email/Text: bnc-quantum@quantum3group.com	Feb 04 2022 23:10:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14833430	Email/Text: bnc-quantum@quantum3group.com	Feb 04 2022 23:10:00	Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
14801095	+ Email/Text: Supportservices@receivablesperformance.com	Feb 04 2022 23:10:00	Receivables Performance Management, 20816 44th Avenue West--Suite 100, Lynnwood, WA 98036-7744
14801096	Email/PDF: gecsed@recoverycorp.com	Feb 04 2022 23:14:01	Rural King/Synchrony Bank, Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061
14801097	Email/Text: lisa.zatezalo@southwoodhospital.com	Feb 04 2022 23:10:00	Southwood Psychiatric Hospital, 2575 Boyce Plaza Road, Pittsburgh, PA 15241
14801098	Email/PDF: ais.sprint.ebn@aisinfo.com	Feb 04 2022 23:14:01	Sprint, P.O. Box 8077, London, KY 40742
14830989	Email/PDF: ais.sprint.ebn@aisinfo.com	Feb 04 2022 23:14:03	Sprint Corp, Attention Bankruptcy, PO Box 7949, Overland Park, KS 66207-0949
14801099	Email/Text: TFS_Agency_Bankruptcy@toyota.com	Feb 04 2022 23:10:00	Toyota Financial Services, P.O. Box 8026, Cedar Rapids, IA 52408-8026
14828458	+ Email/Text: ToyotaBKNotices@nationalbankruptcy.com	Feb 04 2022 23:10:00	Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
14967552	Email/PDF: bncnotices@becket-lee.com	Feb 04 2022 23:14:04	Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14801102	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 04 2022 23:10:00	Victoria's Secret/Comenity Bank, Attn: Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
14801103	Email/PDF: gecsed@recoverycorp.com	Feb 04 2022 23:14:03	Walmart MasterCard/Synchrony Bank, Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
14801104	Email/Text: bankruptcydept@wyn.com	Feb 04 2022 23:10:00	Wyndham Vacation Resorts, Inc., P.O. Box 97474, Las Vegas, NV 89195-0414

TOTAL: 43

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Toyota Motor Credit Corporation
cr	*+	Clear Mountain Bank, P.O. Box 205, Bruceton Mills, WV 26525-0205
cr	*	ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14801068	##+	Capital Insurance Company, 2001 Joshua Road--Suite 300, Lafayette Hill, PA 19444-2431
14801085	##	Mariner Finance, P.O. Box 35394, Baltimore, MD 21222-7394

District/off: 0315-2

User: auto

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TOTAL: 1 Undeliverable, 3 Duplicate, 2 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 06, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 4, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Toyota Motor Credit Corporation bnicholas@kmlawgroup.com
Daniel R. White	on behalf of Joint Debtor April D. Fresh sheila@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com;gianna@zeblaw.com
Daniel R. White	on behalf of Debtor Delmas F. Fresh sheila@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com;gianna@zeblaw.com
Nicholas Godfrey	on behalf of Creditor Clear Mountain Bank nicholas.godfrey@dinsmore.com christina.lee@dinsmore.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 6